

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**CONSOLIDATED UNDER
CASE NO. 05-10155 PBS**

Yisel Dean, Independent Administratrix of the)
Estate of Steven Dean, deceased, and on behalf of)
all statutory beneficiaries,)

Plaintiff,)

vs.)

Case No.: 05 CV 10155 PBS

Raytheon Company, a Delaware Corporation,)
Raytheon Aircraft Company, a Kansas)
Corporation, Raytheon Aircraft Credit)
Corporation, a Kansas Corporation, Raytheon)
Airline Aviation Services LLC, a Kansas)
Corporation, and Raytheon Aircraft Parts)
Inventory and Distribution Company LLC, a)
Kansas Corporation)

Defendants.)

Lisa A. Weiler, Administratrix of the Estate of)
Scott A. Knabe, deceased, and on behalf of all)
statutory beneficiaries,)

Plaintiff,)

vs.)

Case No.: 05 CV 10364 PBS

Raytheon Company, a Delaware Corporation,)
Raytheon Aircraft Company, a Kansas)
Corporation, Raytheon Aircraft Credit)
Corporation, a Kansas Corporation, Raytheon)
Airline Aviation Services LLC, a Kansas)
Corporation, and Raytheon Aircraft Parts)
Inventory and Distribution Company LLC, a)
Kansas Corporation)

Defendants.)

**MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION IN LIMINE
REGARDING VARIOUS MATTERS OF RAYTHEON DEFENDANTS**

Plaintiffs, Yisel Dean and Lisa A. Weiler, by and through their undersigned counsel, submit this Memorandum in Opposition to Defendants' Motion in Limine Regarding Various Matters of Raytheon Defendants.

As grounds therefore, Plaintiffs state the following:

There are five separate categories that the Defendants ask for the Plaintiffs to refrain from comment upon. The Plaintiffs' response to each is outlined below.

- 1) The Plaintiffs will comply with Fed. R. Evid. 411.
- 2) Because Plaintiffs seek punitive damages, they must necessarily address punishing the Defendant.
- 3) The Plaintiffs will comply with Massachusetts law and the instructions of Judge Saris. The Defendants paraphrase Chin as positing that "[a]rguments concerning money damages with reference to numerical amounts are improper." Perhaps a more accurate statement of the law is that "[a]n argument concerning money damages **indulging in significant references** to numerical amounts **that have no basis in the record** is improper. " Harlow v. Chin, 545 N.E. 2d 602, 607 (Mass. 1989)(emphasis added).
- 4) The Plaintiffs will argue these issues within the constraints assigned by the Court.
- 5) The Plaintiffs restate their position in # 2 above; see also Plaintiffs' Opposition to Defendants' Motion in Limine to Preclude Evidence of Gross Negligence and Punitive Damages.

CONCLUSION

For all the foregoing reasons, Plaintiffs respectfully request that Raytheon's motion in limine be denied.

REQUEST FOR ORAL ARGUMENT

In an effort to assist this Court in its determination of this motion, Plaintiffs respectfully request the opportunity to present oral argument pursuant to local rule 7.1(D).

Respectfully Submitted,

By: /s/ Mary Schiavo
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And

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Dated: January 29, 2007

CERTIFICATE OF SERVICE

I, Mary Schiavo, hereby certify that a true and correct copy of this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 29, 2007.

/s/ Mary Schiavo